

FILED

June 04, 2020

Clerk, U.S. District Court
District of Montana
Great Falls Division

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

NICHOLAS CONLAN,

Plaintiff,

vs.

COSTCO WHOLESALE
CORPORATION,

Defendant.

CV 18-94-H-JTJ

ORDER

The Court conducted a hearing in this case on June 3, 2020. For the reasons discussed in open court,

IT IS HEREBY ORDERED:

1. Defendant's Motion for Partial Summary Judgment (Doc. 42) is

GRANTED in part, and DENIED in part, as follows:

- a. The portion of the motion that seeks the dismissal of Plaintiff's failure to accommodate claims in Counts 1 and 5 of the Second Amended Complaint is DENIED.
- b. The portion of the motion that seeks the dismissal of Plaintiff's retaliation claim in Count 3 of the Second Amended Complaint is DENIED.
- c. The portion of the motion that seeks the dismissal of Plaintiff's claims for back pay and front pay is GRANTED.

2. Defendant's Motion in Limine (Doc. 46) is GRANTED.

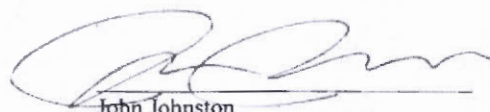
3. Defendant's Motion to Strike Plaintiff's Statement of Contested Facts, the Affidavit of Nicholas Conlan, and the Affidavit of Melissa (Bentley)

Zimmerman (Doc. 60) is GRANTED in part, and DENIED in part, as follows:

- a. The portion of the motion that relates to Plaintiff's Statement of Contested Facts is GRANTED. Plaintiff's Statement of Contested Facts will be stricken from the record given that it does not comply with L.R. 56.1.
- b. The portion of the motion that relates to the Affidavits of Conlan and Zimmerman is DENIED. The Affidavits of Conlan and Zimmerman (with attached documents) will remain a part of the record.

4. The parties' oral motion to continue the trial in this matter is GRANTED. The bench trial previously scheduled for June 17, 2020, is VACATED. All pretrial deadlines set in the Court's March 20, 2020, Scheduling Order (Doc. 53) are VACATED. The Court will issue an Amended Scheduling Order in the near future that will reset the bench trial and all remaining pretrial deadlines.

DATED this 4th day of June, 2020.


John Johnston
United States Magistrate Judge